

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Federal Trade Commission, <i>et al.</i> ,)	Case No. 3:11-cv-47
Plaintiffs,)	Judge Katz
v.)	Stipulation and Order
ProMedica Health System, Inc.,)	
Defendant.)	

On Tuesday, January 11, 2011, a telephonic pretrial conference was held in the above-captioned matter. The Court and counsel for the parties, Matthew Reilly, Esq., for the Federal Trade Commission, Jennifer Pratt, Esq., for the Office of the Ohio Attorney General, and David Marx, Esq., for ProMedica Health System, Inc. were in attendance. During this conference the Court disclosed facts relating to its prior service on the board of directors of the Mercy Health Partners. These included that the Court was currently a non-voting emeritus member of the Mercy board, that the Court had previously served as a Board member and officer, and that the Court's service on the Board ended two or three years ago. (This was the second time the Court disclosed this set of facts. It did so the first time on Thursday, October 14, 2010, in connection with the proceeding entitled *Federal Trade Commission v. ProMedica Health System, Inc., et al.*, United States District Court for the Northern District of Ohio Case No. 3:10-cv-02340, in which the FTC sought an order compelling defendants' responses to subpoenas and civil investigative demands issued in connection with its investigation.) After making these disclosures the Court invited any party to seek the Court's recusal in this proceeding. At that time counsel for the parties advised the Court that they would not be seeking its recusal.

The parties hereby stipulate to the accuracy of the foregoing and consent to the entry of an order so providing.

By M. Reilly (/dmp)
Matthew Reilly, Esq.
Counsel for the Federal Trade Commission

By J. Pratt (/dmp)
Jennifer Pratt, Esq.
Counsel for the Ohio Attorney General

By David Marx
David Marx
Counsel for ProMedica Health System, Inc.

IT IS SO ORDERED

Judge David A. Katz